

the President's successes had more than counterbalanced defeats he had met.

When the third stage of this remarkable trial began, the government put numerous witnesses on the stand. Nothing, however, proved the overt treason charged in the indictment. The case went to the jury, and, after a day's deliberation, Burr was pronounced not guilty of the charge of treason.

The charge of high misdemeanor yet remained. Burr gave new bail; a new jury was sworn; and the new indictment was read on September 9th. The question of jurisdiction was now raised. By the consent of both sides, Burr and one of his colleagues, Blennerhassett, were committed for preparing an expedition against a foreign nation with whom the United States were at peace, and were bound over to appear before the Circuit court of the United States to be held at Chillicothe, Ohio, in January, 1808. Neither appeared. Their bonds were forfeited and they fled abroad.

The government welcomed such a solution of the matter-Jefferson had no cause for self-congratulations on any part of the whole Burr episode. During its latter stages he had raised questions as to the relative power of the departments of government impossible of solution. The chasm between the Executive and Judicial* branches was widened; and this was the only permanent result of the conspiracy and trial of Burr.

While Jefferson was thus absorbed in domestic events, there was no improvement in our relations with England. A year had passed and the outrage perpetrated off Sandy Hook was not once explained or apologized for. Monroe and Pinckney had negotiated a treaty, and the State Department at Washington had received it in March, 1807. Its provisions were extremely unsatisfactory and the tone of England was haughty. To have presented it to Congress would have meant war. Jefferson, therefore, in his sincere desire to preserve peace, did not lay it before that body, but allowed it to disperse without a word

*See Judiciary, Federal, page 273. Also Supreme Court, page 401.